



PLANNING COMMISSION MINUTES

Regular Meeting
May 5, 2014 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler, Combs, Eiref (Vice Chair – arrived at dais at 7:37 p.m.), Ferrick, Kadvany (Chair), Onken, Strehl (absent)

INTRODUCTION OF STAFF – Jean Lin, Associate Planner; Kyle Perata, Associate Planner; Thomas Rogers, Senior Planner

A. REPORTS AND ANNOUNCEMENTS

A1. Update on Pending Planning Items

a. Housing Element – City Council – April 29 and May 13, 2014

Senior Planner Rogers said the City Council at their April 29 meeting considered previously deferred ordinances related to secondary dwelling units and accessory buildings including recommendations made by the Planning Commission. One recommendation made by the Commission to lower the minimum lot size to 5,000 square feet to allow secondary dwelling units was not endorsed by the Council after hearing from neighbors in the Belle Haven neighborhood and their concerns about parking. He said the minimum lot size requirement to allow secondary dwelling units would remain at 6,000 square feet. He said these ordinances would have a second reading at the May 13 City Council meeting and if unaltered would go into effect 30 days from that date.

b. 772 Harvard Avenue Appeal – City Council – May 6, 2014

Senior Planner Rogers said after the Commission's approval of the use permit request for 772 Harvard Avenue a neighbor appealed the approval to the City Council because of privacy concerns and proposed design changes in particular to windows on the wall of the shared property line. He said the City Council would consider that appeal the next evening.

c. BMR Guidelines Update – City Council – May 6, 2014

Senior Planner Rogers said a technical change to the BMR Guidelines Update would be considered by the City Council at their meeting the next evening. He noted that the change was relatively minor, and was not policy related.

B. PUBLIC COMMENTS

There were none.

C. CONSENT

C1. Approval of minutes from the April 7, 2014 Planning Commission meeting

Commission Action: Minutes approved as submitted.

Motion carried 3-0 with Commissioners Combs and Onken abstaining and Commissioners Eiref and Strehl absent.

D. PUBLIC HEARING

- D1. Use Permit/Andrew Young/1153 Santa Cruz Avenue:** Request for a use permit to construct a single-story addition and a basement with light wells to an existing nonconforming single-story, single-family residence and for excavation (removal of more than 12 inches of dirt) within the required right side yard setback in the R-1-S (Single Family Suburban) zoning district. The project would exceed 75 percent of the existing replacement value in a 12-month period and requires approval of a use permit by the Planning Commission.

Staff Comment: Planner Lin noted a correction on page 4 of the staff report in the first sentence of the first paragraph in the correspondence section to strikeout as follows: "~~and 1155 Santa Cruz Avenue (adjacent neighbors to the north and east, respectively).~~" She said the adjacent neighbor to the left/east at 1155 Santa Cruz Avenue had contacted staff to clarify that his email correspondence with the property owners of the subject site was erroneously stated as being in support of the project. She said the neighbor's email was made regarding the removal of trees only and that the neighbor has not stated support of the project itself. She said an email from Joy Weintz, a neighbor at 1148 Windsor Way, had been omitted from the staff report attachments, although it was mentioned in the body of the staff report, and she expressed support for the proposed project. She said this correspondence and the clarification on the other piece of correspondence had been distributed to the Commission at the dais and was also available to the public.

Questions of Staff: Chair Kadvany confirmed with staff that there were no tree removals in the project being considered by the Commission this evening.

Public Comment: Mr. Andrew Young, Young and Borlik Architects, said his clients were Rosemary and Ben Eiref. He said they had considered various options in the design including a two-story addition but had ultimately decided to keep the one-story massing of the Eichler-style home. He said the home was 12-feet in height where 28-feet was

allowable. He said all of the windows facing the side yard were at a six-foot-two-inch sill height except for the stairwell. He said the project was about 1,080 square feet below the allowable site coverage. He said the location for the light well was really the only feasible location noting a heritage Oak in the rear yard preventing placing the light well there. He said there were also nine Redwood trees that shade the backyard which would also minimize the use of a light well in that area. He said the proposed light well was sized to the minimum requirements for light, ventilation and ingress/egress. He said the light well would encroach into the side yard three-foot-nine-inches not four-feet-three-inches as reported in the staff report as they had pulled the addition back six and five-eight-inches from the side yard setback and pulled it four-inches from the front yard setback. He said a neighbor had expressed concern about the stability of the soil. He said their geo-technical engineer had taken all measures and in working with a structural engineer they were using stitch piers along that side of the house to minimize any movement of the soil.

Commissioner Onken said a neighbor had commented on the accuracy of the survey. Mr. Young said the neighbor on the left hand side had done a survey when they had built a two-story house and had offered to the Eirefs to split the costs for the survey to place stakes that were used to build the fence. He said SMP, their surveyor, did a very complete survey, and used two points on Windsor Way as benchmarks for the basis based on the deed of the property as the basis for their bearings and came up with a different figure. He said it determined that the Eirefs' right side property line was further away from Santa Cruz Avenue. He said this raised concerns with both neighbors so they had the surveyor reexamine and this time they took 10 points along Santa Cruz Avenue and Windsor Way and discovered the previous survey done by the neighbors and Eirefs was more accurate.

Ms. Rosemary Labanara, co-owner, said they were excited about the addition as it would allow their family to visit and stay more comfortably. She said they loved the lighting of their existing home. She said as their windows primarily view the rear yard, there is no impact to neighbors' privacy.

Mr. Scott Morrow, Santa Cruz Avenue, said the two surveys obtained by the neighbor John Martin and the Eirefs in 2009 came up with certain points and corners that were agreed upon as the property lines at the time. He said there were four construction projects and several fences built based on those findings. He said he was concerned about the excavation next to his property and the discrepancies shown in the original survey submitted by SMP. He said he met with the architect, property owner, and planner, and at the end of that conversation there was an 18-inch discrepancy on the left side from the 2009 survey. He said if that had not been resolved the project should be delayed until neighbors could discuss this matter. He said there were other options for which there would be no loss of square footage, that would meet all building codes without excavation, and that there should be more sanctity related to setbacks.

Chair Kadvany closed the public hearing.

Commission Comment: In response to Chair Kadvany's questions related to encroachments of light wells into the side setback, Planner Lin said the zoning ordinance stipulates that excavation within any setback area triggers the need for a use permit. She said it was not stated in the ordinance how much encroachment into a setback was allowed through a use permit for excavation. She said there were, however, building code requirements such that if you have habitable space in a basement you needed to provide for sufficient egress, light and ventilation. She said there was no requirement that light wells needed to encroach in setbacks. She said there was no distinction made between a stair well or window well and that generically both are referred to as light wells. Senior Planner Rogers said the action requested was a use permit and the findings for a use permit were different than those for a variance. He said the finding for the use permit was whether a project would or would not create a negative impact on the health safety and welfare of neighbors or the general community. He said questions on excavation projects have sometimes related to visual effects when the excavation was on a public right-of-way, impacts to trees, questions about unique soil conditions that might affect excavation and construction. However, in this case, staff believed that such concerns were not applicable to this project, and are recommending approval. Planner Lin said Engineering Division staff had reviewed the surveys and found those satisfactory.

Chair Kadvany said he thought the design was handsome and he had no concerns about the project.

Commissioner Ferrick said there was an existing non-conformance on the right side. She said if the application had been for a second story she would want that brought into conformance but because it was a one-story project she did not find that necessary.

Commissioner Onken noted the project was not maxing out its allowable buildout and the light well and its railing were screened by a fence and would have no impact on neighbors. He moved to approve the use permit as recommended in the staff report. Chair Kadvany seconded the motion.

Commission Action: M/S Onken/Kadvany to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.

3. Approve the use permit subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Young and Borlik Architects, consisting of 15 plan sheets, dated received April 30, 2014, and approved by the Planning Commission on May 5, 2014, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
 - e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
 - f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
 - g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance. Prior to issuance of a demolition or building permit, the applicant shall implement the tree protection plan and recommendations in the Arborist Report for all applicable heritage trees for review and approval by the Building Division.
4. Approve the use permit subject to the following **project specific** condition:

- a. The project arborist shall be present to prune and cover any roots encountered during excavation of the rear light well. This requirement shall be incorporated into the site plan and/or revised arborist report as part of a complete building permit application, subject to review and approval of the Planning Division.

Motion carried 5-0 with Commissioner Eiref recused and Commissioner Strehl absent.

D2. Use Permit/Curt Cline/323 Oakwood Place: Request for a use permit for interior and exterior modifications and first and second floor additions that would exceed 50 percent of the value of an existing non-conforming residence located on a substandard lot in the R-1-U (Single-Family Urban) zoning district.

Staff Comment: Planner Perata said since the publication of the staff report, staff had received five pieces of correspondence in opposition to the project as presented, which had been distributed to the Commission and were available to the public. He said the applicant had provided renderings and a copy of their presentation for the Commission's review.

Public Comment: Mr. Curt Cline, Modern House Architect, said they were commissioned by Sandy and Allen Ritchie to remodel and add a second story to their existing single-story family home. He said the existing home was an example of many modernist homes that were constructed in the post-war years up until the mid-60s. He said they chose to use a vocabulary of limited articulated geometry in the remodel and addition to the home. He said they drew from elements of the existing home and from established architectural forms present on other homes in this style such as articulated planes of glass, walls, materials, and the incorporation of the existing stone chimney. He said the stair and foyer were at a different roof height deliberately to step back the front façade of the home. He said neighbors concerned with impact privacies had brought a few aspects of the design to their attention and noted the property owners would not want to impact the privacy of neighbors in this close knit community. He said it had also come to their attention in the past few weeks that neighbors do not think the existing home or proposed additions fit the context of the neighborhood. He said there were no prevailing styles in the neighborhood and other two-story and one-and-half-story homes most of which were taller than this proposed home.

(Commissioner Eiref joined the Commission at the dais at 7:37 p.m.)

Responding to a question from Chair Kadvany, Mr. Cline said they could procure stone very similar to the existing stone on the home.

Chair Kadvany asked about the left side second story and if that was a walkway the entire length of the side. Mr. Cline said it was to provide a hallway to the master bedroom on the second story. Chair Kadvany asked about the effect of illumination.

Mr. Cline said there would be some illumination dependent upon the opacity of the glass but that movement behind the glass would not be visible.

Chair Kadvany noted that Commissioner Eiref had joined the other Commissioners on the dais.

Mr. Bill Lamkin, Tehama Avenue, said he appreciated the difficult task in trying to identify and enforce the character of a neighborhood. He said he objected to the proposed design of this home in that it was too stark and did not even come close to matching the character of the neighborhood. He said the narrowness of the lot made it even more difficult for this structure to blend into the neighborhood. He said the architect's rendering showed a building that would look more appropriate for a contemporary business industrial park and not a warm friendly neighborhood. He requested that the Commission require the design to be redone to more appropriately match the neighborhood.

Mr. Don Harrier, Tehama Avenue, said the staff report alluded to many different architectural styles in the Flood Triangle area as support that this design would also fit well. He said however within the many styles in that area there was the contextual cohesion demonstrated by residential design that they needed to look at including, massing, scale and the appropriate use of materials. He said the charm of the home's contemporary character was being thrown out noting the wonderful curvilinear overhang, porch, a front patio and wonderfully scaled fireplace and windows that were being eliminated. He said it was these elements within the Flood Triangle area that unified residential styles. He said the currently proposed design turns inward and away from the street and sidewalk. He said the neighbors were now presented with a nine-foot wide, 18-foot tall glass enclosure of the stairway. He said the charming aspect of the front fireplace and chimney were now in a horizontal wall that was presented in two stories and at that second story level represented two-thirds of the façade at the existing street. He said the proposed design stepped away from the neighborhood context and did not necessarily represent a unifying of the neighborhood context.

Mr. Doug Bui, Oakwood Place, said his wife and son had given him their speaking time. He said he was a long time resident of Menlo Park and had been a member of the planning commission for 12 years. He said they have owned three homes in Menlo Park and have lived at their current residence for 10 years. He said they did not object to the concept of a second story building, mid-century modern or contemporary home style, but they had concerns with scale and the bulkiness and mass and loss of residential characteristics to this house. He said they met with the Ritchies and reviewed with them the impacts they expected from the proposed design on their home. He said he conducted a survey of Del Norte, Tehama, Sonoma and Ringwood and counted 129 homes. He said of those 129 homes, 71% were single-story, 22% were two-story and 8% were single-story contemporary. He said the proposed façade for this home looked like an office building. He showed slides of the streetscape including positioning of a story pole on his property noting the proposed residence has a flat room

not a pitched roof. He showed a view of the stairwell appendage which was about a 13 foot long, solid wall of etched glass. He showed various slides of the views of the proposed project noting visual impacts to his rear yard barbecue area. He said regarding the prominent stone chimney feature and continuing that on a horizontal façade that the chimney would not be visible yet this allowed them a 13-inch encroachment into the setback. He said the renderings showed two trees in the front and that there was only one tree there and not the size shown. He said the rendering of the rear façade also showed a tree but that did not exist and the view there would be the rear of his home. He said the true perspective for this home was the streetscape view and the scale, massing and materials were not compatible with the area.

Mr. Bob Giannini, Oakwood Place, said his home was a California mid-century modernist home and was across the street from this project. He said he wanted to support the project and said it would be a shame and missed opportunity if this home was not built as he thought it would add a lot of excitement and vitality to the street. He said he was an architect and he thought the pictures spoke for themselves. He said the house could not be better articulated, the proportions of the different parts worked well together and the materials matched existing.

Mr. Ramzi Nahas said he also lived across the street from the subject property and thought the proposed design was fantastic and would add diversity to the street. He said he did not think the design was monolithic in scale and would add a lot of vibrancy to the area.

Mr. Rich Durando said his home was to the rear of the Ritchies. He said the back of the house would create sound that would impact the use of their rear yards. He asked the Commission to consider changes to the design to respond to Mr. Bui and others' concerns.

Ms. Sandy Ritchie said they had spoken with a number of neighbors both those who supported and those who opposed their project. She said first and foremost they wanted to protect everyone's privacy. She said they understood their rear neighbors' concerns with privacy but noted there would be foliage and they would have drapery for their windows. She said the critical comments about the design were in their opinion very subjective as to what was appropriate and what was not. She said there were no prevailing styles in the neighborhood and no residential development guidelines. Mr. Allen Ritchie said they had purchased the mid-century modernist home which they loved and had features such as the fireplace they wanted to preserve and enhance. He said it was an older home and needed significant repair. He said they wanted to preserve the home's character and did an extensive search to find the right architect for the project. He said they were expanding their family and wanted to have the house of their dreams.

Mr. Daniel McMahon said he was renovating his nearby mid-century home and they had spent a lot of time considering what the "bones" of their house were. He said regarding

the beautiful opaque glass hallway about 20-foot in length that he was concerned with the light that would emanate from it at night and intrude into his backyard and his new master bedroom. He said in the daytime in the months from May to September he was concerned with glare from such a glass hallway. He said because of the location of the subject property it was a focal point from the street.

Mr. Sanjay Saigal, Oakwood Place, said his home was adjacent to the subject property. He said he had various opinions about what the redesign would look like but the main thing was if it met the regulations and if it did then the style was the property owners' preference.

Ms. Cindy Nathan, Sonoma Avenue, said in 2008 they rebuilt their home in a style called two-story contemporary Prairie. She said the Ritchies' design was beautiful and would add to the neighborhood.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Onken said they had received photos with story poles and asked whether staff had been able to review and verify their accuracy. Planner Perata said he had visited the neighbor's property that day and the story poles were on the property line but he could not verify the height, or the distance from the front to the back of the property.

Commissioner Eiref asked about the daylight planes shown for the existing and proposed residence. Planner Perata said the daylight plane for single story in this residential district started at 12-foot six-inches and angled at 45 degrees and for two stories started at 19-foot-six-inches and angled at 45 degrees. Commissioner Eiref noted the existing home intruded into the left setback and asked if the second floor would increase that nonconformity. Planner Perata said the second story was at the required six-foot setback.

Commissioner Ferrick said with other rebuilds such as 207 Hedge Drive that the nonconforming setback had to be brought into conformance with the building of a first and second story. Senior Planner Rogers said the 207 Hedge Drive project was a unique project in that the applicants were planning to save only the nonconforming wall and build around it. He said this project in contrast would fall more into the Commission's historical examples of balancing the retention of the overall house and selected additions. Commissioner Ferrick said the side setback was five-foot-one-inch and they were building the second story, a sheer wall, at the same place which concerned her.

Commissioner Bressler said the top drawing on the left side on sheet A3.3 showed that both stories were on the same setback but on A2.3 it was shown that the second story was set back.

Responding to questions from Commissioner Ferrick, Mr. Cline said the whole side wall on the first floor was the same as existing. He said the stairwell was new and the second story above that was stepped in to comply with the side setback. He said on the driveway side that was all existing wall.

Commissioner Onken said he thought they needed to disregard the photos with the story poles as they were not erected on the exact line of the house. He said he thought the architectural style was fine but the bulk and massing were problems for the neighborhood. He said he could not support the intrusion of the chimney feature into the setback and that the two-story stair on the front of the house was a problem.

Commissioner Eiref said he thought the design was handsome on the front façade. He said looking around the neighborhood that there were a variety of styles and one and two-story homes in the area. He said the neighbors facing the house liked the design. He said on the second story there was a hot tub that tended to bulk out the left hand side he thought.

Commissioner Ferrick said she was not opposed to mid-century modern and if the project met the rule that was fine. She said it was not following the rules as there was a setback encroachment and that was not just for the chimney. She said the window in the master bedroom was a problem for neighbors. She said the project was too intrusive and imposing on the left side.

Commissioner Eiref suggested continuing the project. Commissioner Bressler said he would support that. Commissioner Onken said there were particular items to address through a continuance and he thought the glass hallway was something to be looked at. He said in transitional neighborhoods where homes were going from one-story to two-story it helped to set back the second story more. He said that here the two-story stairwell extending to the front setback was exacerbating the mass impact. He said he would like the architect to come back with some different options.

Chair Kadvany noted the lot was 60-foot in width and although not the required 65-feet, it was substantially more than the 50-foot width lots they often see. He said the Commission did not continue projects lightly and realized there were costs associated with the action but there were also costs to a neighborhood when a project impacts some quality of life. He said definitely the left side wall needed attention.

Commissioner Onken moved to continue the item with direction to look at the bulk and mass particularly along the left hand wall noting he had no objection to the stylistic intent of the house. Commissioner Ferrick seconded the motion. She said also regarding the left hand hallway that the setting sun would hit that side and she thought would create considerable glare. Commissioner Bressler said if the project came back with the front façade the same he would support it as long as the second story was set back more. Commissioner Ferrick said she wanted the large rear window modified to protect the privacy of the neighbors. Commissioner Onken said the matter of the 13-

inches for the chimney projection which encroached into the side setback and extended two stories was not an architectural feature and unnecessary. Commissioner Ferrick said she would accept the direction added by Commissioner Onken.

Commission Action: M/S Onken/Ferrick to continue the item with the following direction.

- Reevaluate and soften the bulk and massing of the left-side second story façade
- Modify the etched glass walkway on the second story to reduce glare from lights and the sun;
- Reduce the size of or otherwise modify the second story master bedroom rear window to reduce possible privacy impacts to neighbors; and
- The Planning Commission does not consider the wall/chimney an architectural feature, and therefore, must conform to the required side setback.

Motion to continue carried 6-0 with Commissioner Strehl absent.

D3. Use Permit Revision/Menlo Park Presbyterian Church/700-704 Santa Cruz Avenue: Request for a revision to an existing use permit for a social hall in a commercial building in the SP-ECR/D (El Camino Real/Downtown Specific Plan) zoning district. The revision would extend the expiration date for the use permit from 2014 to 2024. No building modifications are proposed, and all other conditions would remain in effect.

Staff Comment: Senior Planner Rogers said since the publication of the staff report there were two letters of support received for the use permit revision noting one from Molly Ashworth, Z-Ultimate Defense Studio, and the other from Kyun Lee, Bagel Street Café.

Questions of Staff: Responding to a question from Chair Kadvany, Senior Planner Rogers said the Ace Hardware was a retail permitted use and not part of the Commission's action regarding the Menlo Park Presbyterian Church Social Hall, but Ace was a sublease of the Church. He said part of the application was to extend the permit term which would allow the Church to extend the sublease term for Ace Hardware.

Mr. Bill Frimel, Menlo Park Presbyterian Church, said the landlord had offered them a 10-year lease. He said whatever the Church has to pay in terms of property tax and insurance that the Ace Hardware store has to pay its fair share. He said the Church also pays an in-lieu sales tax fee noting it was \$2.47 per square feet. He said if the Commission authorized the use permit revision their new lease term would start in September. He said all other terms of the use permit would remain the same.

Ms. Fran Dehn, Menlo Park Chamber of Commerce, said that this use permit revision was a win-win for the City and the Church, noting it kept buildings occupied and continued a retail use and in-lieu retail sales tax fee.

Mr. Vasile Oros, owner of the Ace Hardware Store, said this was a good relationship for his store, the Church and the City.

Commissioner Ferrick moved to approve the item as recommended in the staff report extending the term by 10 years. Commissioner Bressler seconded the motion.

Commission Action: M/S Ferrick/Bressler to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current California Environmental Quality Act (CEQA) Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit revision subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans submitted by the applicant, consisting of two plan sheets, dated received March 31, 2014, and approved by the Planning Commission on May 5, 2014, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
4. Approve the use permit revision subject to the following **ongoing, project-specific** conditions:
 - a. The social hall shall be limited to the following days and times of operation:
 - i. Monday – Friday:
 1. 7:00 a.m. – 10:00 a.m.; limited to one event per week
 2. 6:00 p.m. – 10:00 p.m.
 - ii. Saturday: 6:00 p.m. – 10:00 p.m.
 - iii. Sunday: 7:00 a.m. – 10:00 p.m.
 - b. Attendance shall be limited as follows:
 - i. Weekday mornings: 75 persons
 - ii. All other times: 250 persons

- c. Youth programs shall be limited to weekends. Attendees at youth programs shall be properly supervised at all times, and loitering before, during, and after the events shall be minimized. The Community Development Director shall review complaints received by the City regarding the youth programs. The Community Development Director shall have the discretion to modify the use permit conditions to address problems and/or bring complaints to the Planning Commission for review.
- d. The facility doors and windows shall be kept closed when live music is being performed and when other amplified sound is being used. The Community Development Director shall review complaints received by the City regarding noise. The Community Development Director shall have the discretion to modify the use permit conditions to address problems and/or bring complaints to the Planning Commission for review.
- e. During the period of the use permit, the applicant or property owner shall pay a fee (plus applicable yearly Business License fees) to the City in lieu of sales tax for the 10,898 square feet of ground-floor area leased by the applicant. The fee for the most recent year (effective April 1, 2013) is set at \$2.47 per square foot. The fee for each year thereafter shall be adjusted annually according to the percentage change in the All Urban Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area. Any annual sales tax generated for the City by the retail use (currently Ace Hardware) would offset this sales tax in-lieu fee. The procedure for collecting the in-lieu fee shall be established by the Finance Division.
- f. Contact information (e.g., cell phone numbers) for on-site facility supervisors shall be posted in a prominent location on the Menlo Park Presbyterian Church web site.
- g. The use permit shall expire on August 31, 2024, unless the applicant obtains approval of an extension of the use permit.

Motion carried 6-0 with Commissioner Strehl absent.

E. STUDY SESSION ITEMS

- E1. R-4-S Compliance Review/Greenheart Land Co./721-881 Hamilton Avenue:** Study session to review a 195 unit, multi-family residential development relative to the development regulations and design standards of the R-4-S (High Density Residential, Special) zoning district. The Planning Commission's review is advisory only and will be taken into consideration as part of the Community Development Director's determination of whether the proposal is in compliance with the R-4-S development regulations and design standards. ***Continued to the Planning Commission meeting of May 19, 2014***

F. REGULAR BUSINESS

F1. Selection of Planning Commission Chair and Vice Chair for May 2014 through April 2015

Commission Action: M/S Bressler/Kadvany to nominate Commissioner Eiref as Chair.

Motion carried 6-0 with Commissioner Strehl absent.

Commission Action: M/S Eiref/Ferrick to nominate Commissioner Onken as Vice Chair.

Motion carried 6-0 with Commissioner Strehl absent.

G. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 9:11 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on June 9, 2014